

REMARKS AND RESPONSES

Claims 1-10 remain pending and claims 11-18 are added in the present application. Reconsideration of the application in view of the following comments is respectfully requested.

Claim Rejection - 35 U.S.C. §102

With respect to Paragraph 1 and 2 of the Office Action, the Office Action rejected claims 1, 2, 6 and 9 under 35 U.S.C. §102(b) as being anticipated by Applicant's admitted prior art (AAPA). Of the rejected claims, only claims 1 and 6 are independent.

Accordingly, applicants respectfully request that the rejection be withdrawn.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (MPEP §2131)

Referring to FIGs. 1A and 1B, the AAPA of the present application discloses a centering device 10 including a body portion 10b and several centering elastic fingers 10a. The body portion 10b has a central hole for accommodating the shaft 2 of the spindle motor 1. The centering elastic fingers 10a extends from the body portion 10b in the radial direction of the

spindle motor 1 first and then in the axial direction of the spindle motor 1; therefore, the free end of the centering elastic fingers 10a is also extending in the radial and then axial direction of the spindle motor 1.

However, claim 1 of the present application claims a centering device including a body portion and a plurality of centering elastic finger units. Each of the centering elastic finger units comprises at least two elastic fingers, which has a free end extending from the body portion along the circumferential direction of the rotor.

According to the foregoing description, in the AAPA, there is only one elastic finger 10a, in FIGs. 1A and 1B, for each elastic finger units, and the free end of the elastic finger 10a is extending in the radial and then axial direction. Contrarily, in claim 1, there are two elastic fingers, as supported by the elastic fingers 109a in FIG. 4A, and the free end of the elastic fingers are extending along the circumferential direction. Hence, claim 1 is novel over FIGs. 1A and 1B of the AAPA.

Referring to FIGs. 3A and 3B, the AAPA of the present application also discloses another conventional centering device similar to the centering device 10 shown in FIGs. 1A and 1B except a separate supporting plate 14 is additionally provided on the surface of the rotor 7. Therefore, the conventional centering device shown in FIGs. 3A and 3B also includes a body portion 16, and several centering elastic fingers 15 extending from the body portion 16. Each of the centering elastic fingers 15 also extends from the body portion 16 in the radial direction of the spindle motor 1a first and then in the axial direction of the spindle motor 1a; therefore, the free end of the centering elastic fingers 15 is also extending in the radial and then axial

direction of the spindle motor 1a.

However, claim 6 of the present application claims a centering device including a body portion and a plurality of centering elastic finger units. Each of the centering elastic finger units comprises at least two elastic fingers having a free end extending from the body portion 210b along the circumferential direction of the rotor 206.

Similarly, in the AAPA, there is only one elastic finger 15, in FIGs. 3A and 3B, for each elastic finger units, and the free end of the elastic finger 15 is extending in the radial and then axial direction. Contrarily, in claim 6, there are two elastic fingers, as supported by the elastic fingers 210a in FIG. 7A, and the free end of the elastic fingers are extending along the circumferential direction. Hence, claim 6 is novel over FIGs. 3A and 3B of the AAPA.

Accordingly, Applicant respectfully submits that independent claims 1 and 6 are allowable over the art of record and respectfully requests the 35 U.S.C. §102(b) rejection of claims 1 and 6 to be reconsidered and withdrawn. In addition, insofar claims 4 and 9 respectively depend from independent claim 1 and 6 and add further limitations thereto, the 35 U.S.C. §102(b) rejection of these claims should be withdrawn as well.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejection - 35 U.S.C. §103

With respect to Paragraph 3~6 of the Office Action, the Office Action rejected claims 5 and 10 under 35 U.S.C. §103(a) as being unpatentable over

the AAPA, rejected claims 2 and 7 under 35 U.S.C. §103(a) as being unpatentable over the AAPA in view of Horng (US. 2004/0205803 A1) and rejected claims 3 and 8 under 35 U.S.C. §103(a) as being unpatentable over the AAPA in view of Mukawa (US. 5,501,760). Of the rejected claims, claims 2, 3 and 5 depend from independent claim 1, and claims 7, 8 and 10 depend from independent claim 6.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (MPEP §2143.03 All Claim Limitations Must Be Taught or Suggested)

In light of the foregoing, claims 1 and 6 are novel over the AAPA. Moreover, claims 1 and 6 are nonobvious over the AAPA. Referring to FIG. 1B (FIG. 3B), it can be seen in the AAPA that the portion of the centering elastic finger 10a (15) used to provide elasticity is a surface parallel with the length of the shaft 2. Thus, when the whole spindle motor 1 (1a) continuously becomes thinner, the surface used to provide elasticity will continuously become shorter and the rigidity of the centering elastic finger 10a (15) will continuously become larger. The increased rigidity of the centering elastic finger 10a (15) further causes an increased resistance, generated by the centering elastic fingers, tending to hinder the optical disk from being moved to its predetermined axial position, and thus makes the mounting of the

optical disk difficult.

However, in claim 1 (claim 6) of the present application, the portion of the centering elastic finger used to provide elasticity is a surface parallel with the circumference of the shaft, as supported by the elastic fingers 109a (210a) in FIG. 4A (FIG. 7A). Thus, even if the whole spindle motor continuously becomes thinner, the length of the surface used to provide elasticity will not become shorter, and the rigidity of the centering elastic finger can be kept.

Therefore, a new and unexpected result is produced by the novel features of claims 1 and 6, and hence claims 1 and 6 are unobvious and patentable over the AAPA.

Claims 1 and 6 are also nonobvious over the AAPA in view of Horng, since even if the AAPA and Horng were to be combined in the manner proposed, the proposed combination would not show all of the novel physical features of claims 1 and 6 as discussed above. Therefore, the novel features of claims 1 and 6 produce new and unexpected results and hence are unobvious and patentable over these references.

Similarly, claims 1 and 6 are nonobvious over the AAPA in view of Mukawa, since even if the AAPA and Mukawa were to be combined in the manner proposed, the proposed combination would not show all of the novel physical features of claims 1 and 6 as discussed above. Therefore, the novel features of claims 1 and 6 produce new and unexpected results and hence are unobvious and patentable over these references.

Accordingly, insofar claims 2, 3 and 5 depend from independent claim 1, and claims 7, 8, 10 depend from independent claim 6, the 35 U.S.C. §103(a) rejection of these Claims should be withdrawn as well.

Reconsideration and withdrawal of this rejection is respectfully requested.

Other cited references of record have been studied, and are found no more relevant to the present invention than the applied art.

All claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

Conclusions

For all of the above reasons, applicants submit that the specification and claims are now in proper form, and that the claims define patentably over prior arts. Therefore applicants respectfully request issuance for this case at the Office Action's earliest convenience.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No JLINP175/TLC). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,

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